

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CYNTHIA LYNN FARISS,	:	
Plaintiff	:	CIVIL ACTION NO. 3:17-1741
v.	:	(JUDGE MANNION)
NANCY A. BERRYHILL,	:	
Acting Commissioner	:	
of Social Security	:	
Defendant	:	

MEMORANDUM

Pending before the court is the April 17, 2019 report of Judge William I. Arbuckle, which recommends that the plaintiff's complaint challenging the final decision of the Commissioner denying her application for supplemental security income ("SSI") under Title XVI of the Social Security Act, (Doc. 1), be granted, and that the case be remanded to the Commissioner. (Doc. 14). Neither the Commissioner nor the plaintiff have filed objections to Judge Arbuckle's report and the time within which to do so has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see *also* [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether

timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31. Upon review, the report and recommendation of Judge Arbuckle will be adopted in its entirety.

The court has reviewed the reasons presented by Judge Arbuckle for recommending that the plaintiff's complaint be granted, that the Commissioner's decision be vacated, and that this case be remanded pursuant to sentence four of 42 U.S.C. §405(g) for further consideration of the type and the amount of reaching that was required by the jobs which the Vocational Expert testified that the plaintiff could perform in light of her limitations. Because the court agrees with the sound reasoning that led Judge Arbuckle to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: May 7, 2019

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